IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

Writ Petition No.25026 of 2006

K.Anbazhagan .. Petitioner

vs.

1. The Managing Director
   Tamil Nadu State Transport Corporation
   Head Quarters, Villupuram.

2. The General Manager
   Tamil Nadu State Transport Corporation
   Vellore, Division - II, Rangapuram, Vellore

3. The Branch Manager
   Tamil Nadu State Transport Corporation
   Aarani Branch, Aarani .. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the third respondent to allot duties to the petitioner as a Checking Inspector only within the limits of the Aarani Depot of the Tamil Nadu State Transport Corporation in which the petitioner is posted and permit him to sign in the Attendance Register therein and not to allot works outside the said Depot.

For petitioner : Ms.D.Kamatchi
For respondents : Mr.G.Muniratnam

WEB COPY

O R D E R

This writ petition has been filed for a direction against the third respondent to allot duties to the petitioner as Checking Inspector only within the limits of the Aarani Depot of the Tamil Nadu Transport Corporation in which the petitioner is posted.

2. The case of the petitioner is that he was posted in the Aarani Depot by the Additional Managing Director in his proceedings

https://hcservices.ecourts.gov.in/hcservices/

dated 4.5.1995 and further subsequent proceedings dated 17.8.1995. As far as the petitioner is concerned, he is posted as Checking Inspector in Aarani. The grievance of the petitioner is that the third respondent is having personal vengeance against the petitioner and the third respondent is preventing him from signing attendance register and also allotting the work to the petitioner other than that of the Checking Inspector. It is also the grievance of the petitioner that the third respondent has unauthorisedly directed the petitioner to work in Vellore Depot to which he has no jurisdiction.

3. According to the petitioner, the third respondent should act as per the orders issued by the Additional Managing Director dated 17.5.1995.

4. The second respondent has filed a counter-affidavit in which the second respondent has specifically stated that the third respondent being only a Branch Manager, he has no authority to send the petitioner to any other place other than the Branch in which he is working. Therefore, according to the second respondent, the said allegation that the third respondent is directing the petitioner to go to Vellore Depot is denied.

5. Further apprehension of the petitioner that the petitioner is not allowed to work as Checking Inspector is also denied. It is also specifically denied by the second respondent that the petitioner is not going to be shifted of Aarani Depot. Therefore, according to the second respondent, this writ petition is not maintainable and it is intended for some other ulterior motives.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

7. While admittedly the petitioner was posted in Aarani Depot, it is only proper for the respondents to see that the petitioner is allowed to work in the said Depot as Checking Inspector till any lawful order is passed transferring the petitioner to some other Depot. Since it is the specific averment of the second respondent in the counter-affidavit that the respondents are not intending to shift the petitioner to any other place without passing any specific order, I do not think that any specific order is required except to record the statement of the second respondent made in the counter-affidavit. As far as apprehension of the petitioner that the petitioner is directed to do any other work other than Checking Inspector, in the absence of any duty assigned to the Checking Inspector as per the regulations, it is not proper for this Court to direct the respondents to follow certain procedures. However, it is relevant in this regard to state that even the petitioner has specifically stated that the nature of the work of the petitioner as Checking Inspector is to regulate the Buses coming therein and

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

maintain the timings and to do the other duties assigned to him. The grievance of the petitioner is that without specifically assigning any other duties, the third respondent is harassing the petitioner cannot be accepted for the simple reason that there is absolutely no records placed before this Court to show that the petitioner is directed to do the work other than the Checking Inspector especially when the respondents have come forward with the specific averments in the counter-affidavit that the petitioner will be only directed to do the Checking Inspector work. In view of the specific statement made by the second respondent, the writ petition is disposed of with the direction to the respondents to permit the petitioner to work in the Aarani Depot as Checking Inspector with all duties assigned to the Checking Inspector till any order is passed either transferring or otherwise modifying the conditions of the service of the petitioner. The apprehension of the petitioner that the petitioner is not permitted to sign the attendance register is unfounded since the second respondent specifically states that the petitioner is permitted. It is made clear that the petitioner is entitled to sign the attendance register on his attending duty every day.

The writ petition is disposed accordingly. No costs. Consequently, connected M.P.No.1 of 2006 is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

lan

To

1. The Managing Director
   Tamil Nadu State Transport Corporation
   Head Quarters, Villupuram.

2. The General Manager
   Tamil Nadu State Transport Corporation
   Vellore, Division - II, Rangapuram, Vellore

3. The Branch Manager
   Tamil Nadu State Transport Corporation
   Aarani Branch, Aarani

+1cc to Mr.T.P.Manoharan, Advocate Sr 38320
+1cc to Mr.G.Munirathinam, Advocate Sr 38264

KG (CO)
km/31.8.

W.P.No.25026 of 2006

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/